

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

SOPHIA SULEIMAN, Individually and as
Mother and Custodial Parent of her minor
child, J.S.,

Plaintiff,

v.

PELLA CORPORATION,

Defendant.

CAUSE NO.: 2:18-CV-261-TLS-APR

OPINION AND ORDER

This matter is before the Court on the Plaintiff's Petition to Compromise and Settle Minor's Claim for Personal Injuries [ECF No. 85]. However, the Court dismissed this case with prejudice on September 28, 2023, granting the Plaintiff's agreed motion to dismiss. ECF Nos. 83, 84. If a court does not "expressly retain jurisdiction" or "make the terms of the settlement agreements part of its judgment" when dismissing a case pursuant to Federal Rule of Civil Procedure 41(a)(2), then the court cannot later exercise jurisdiction over the settlement. *Hill v. Baxter Healthcare Corp.*, 405 F.3d 572, 576–77 (7th Cir. 2005). "Absent such action, . . . enforcement of the settlement agreement is for state courts, unless there is some independent basis for jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 382 (1994). Thus, the Court lacks jurisdiction to rule on the Plaintiff's motion.

Although the Plaintiff filed her motion after the Court dismissed the case, the Court recognizes that the Plaintiff previously indicated settlement between the parties and has provided details of that settlement in the instant motion. The Court recognizes the settlement and finds:

- 1) The settlement amount of \$7,500 that Defendant Pella Corporation has agreed to pay in return for a release of liability is fair and reasonable;

- 2) Attorney Robert A. Montgomery is entitled to and shall receive attorney's fees in the amount of \$2,500, along with reimbursement for expenses attributable to this lawsuit in the amount of \$2,500;
- 3) Net proceeds of \$2,500 are distributable to the Estate of the Minor Plaintiff, J.S., and are to be placed into an interest-bearing account to be used exclusively for the use of J.S. for tutoring and medical treatment of J.S.'s injuries.

For the foregoing reasons, the Court hereby DIRECTS the Clerk of Court to TERMINATE the Plaintiff's Petition to Compromise and Settle Minor's Claim for Personal Injuries [ECF No. 85].

SO ORDERED on December 12, 2023.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT